

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 1, 2006
SAN FRANCISCO, CALIFORNIA**

S125572

D040040 Fourth Appellate District,
Division One

PEOPLE v. MURPHY

Rehearing denied

Werdegar and Moreno, JJ., are of the opinion
the petition should be granted.

Chin, J., was absent and did not participate.

S139073

A111923 First Appellate District,
Division One

ELKINS v. S.C. (ELKINS)

Petition for review granted

The petition for review is granted. The Contra Costa County Superior Court is ordered to show cause in this court why Contra Costa County Local Rule 12.5(b)(3) and the trial scheduling order in the present case should not be declared invalid for the reasons stated in the petition for extraordinary relief. The return is to be filed on or before March 3, 2006.

Votes: George, C.J., Kennard, Baxter, Moreno,
and Corrigan, JJ.

Chin, J., was absent and did not participate.

S139171

H027976 Sixth Appellate District

FIRESIDE BANK v. S.C. (GONZALEZ)

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Moreno, and Corrigan, JJ.

Chin, J., was absent and did not participate.

S139237

C048162 Third Appellate District

**STOCKTON, CITY OF v. S.C. (CIVIC PARTNERS
STOCKTON, LLC.)**

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Moreno, and Corrigan, JJ.

Chin, J., was absent and did not participate.

S139762

C046869 Third Appellate District

YOUNT v. CITY OF SACRAMENTO

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Moreno, and Corrigan, JJ.
Chin, J., was absent and did not participate.

S139081

H027362 Sixth Appellate District

PEOPLE v. RODRIGUEZ

Review granted/briefing deferred (rule 29.1)

Petitions for review granted.
Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Modiri*, S120238 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Moreno, Corrigan, JJ.
Chin, J., was absent and did not participate.

S130027

MAR (JAMES A.) ON H.C.

OSC issued, returnable in Superior Court

The Director of the Department of Corrections and Rehabilitation is ordered to show cause before the Kern County Superior Court, when the matter is placed on calendar, why petitioner is not entitled to relief based on his allegations that counsel rendered ineffective assistance and that his plea was involuntary. The return is to be filed on or before March 3, 2006.

Votes: George, C.J., Kennard, Werdegar,
Moreno, and Corrigan, JJ.
Baxter, J., was recused and did not participate.
Chin, J., was absent and did not participate.

S138910

B186205 Second Appellate District,
Division Three

GRAY (HENRY) ON H.C.

Review granted; transferred to CA 2/3 to issue OSC

Petition for review granted.

The matter is transferred to the Court of Appeal, Second District, Division Three. That court is

ordered to vacate its summary denial dated November 2, 2005, and is further ordered to issue an order to show cause, returnable before the Los Angeles County Superior Court. The Director of Corrections and Rehabilitation is to be ordered to show cause, when the matter is placed on calendar, why the Governor did not abuse his discretion in reversing the January 27, 2005, decision of the Board of Parole Hearings finding petitioner suitable for parole, why there was "some evidence" in the record to support the Governor's determination made pursuant to article V, § 8(b) of the California Constitution and Penal Code § 3041.2, and why petitioner is not entitled to release on parole. (See, *In re Dannenberg* (2005) 34 Cal.4th 1061; 1094-1095, 1098; *In re Rosenkrantz* (2002) 29 Cal.4th 616, 667, 683; *In re Scott* (2005) 133 Cal.App.4th 573, 597-601, 603; *In re Smith* (2003) 114 Cal.App.4th 343, 366-367; *In re Smith* (2003) 109 Cal.App.4th 489, 505-507; *In re Capistran* (2003) 107 Cal.App.4th 1299, 1306.) The return is to be filed on or before March 3, 2006.

Votes: George, C.J., Kennard, Werdegar, Moreno, and Corrigan, JJ.

Chin, J., was absent and did not participate.

S139958

B185477 Second Appellate District,
Division Seven

KOLBER v. S.C. (CULVER CITY POLICE)

Review granted; transferred to CA 2/7 to issue alt. writ

The motion to seal the petition for review is granted. The court finds that an overriding interest overcomes the right of public access to the record; there is a substantial probability the overriding interest will be prejudiced if the record is not sealed; the sealing is narrowly tailored; and no less restrictive means exist to achieve the overriding interest. For the same reasons, the answer to the petition for review is also sealed. (Cal. Rules of Court, rule 243.1) For the Petition for review granted.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its December 20, 2005, order denying mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

Votes: George, C.J., Kennard, Werdegar, Moreno, and Corrigan, JJ.
Chin, J., was absent and did not participate.

S123054
B167843 Second Appellate District,
Division Seven

HICKS v. S.C. (KAUFMAN & BROAD HOME CORPORATION)
Dismissed per rule 29.3(b), and remanded to CA 2/7

In light of the notice of settlement filed in this court on January 23, 2006, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter, Werdegar, Moreno, and Corrigan, JJ.
Chin, J., was absent and did not participate.

S132183

PEOPLE v. DIGRAZIA
Petition for writ of error coram vobis denied

Chin, J., was absent and did not participate.

S138895
G036256 Fourth Appellate District,
Division Three

MILES (GUY DONELL) ON H.C.
Petition for review denied

Chin, J., was absent and did not participate.

S138900
B186877 Second Appellate District,
Division Eight

COUNTRYMAN (RANDALL) ON H.C.
Petition for review denied

Chin, J., was absent and did not participate.

S138940

B179887 Second Appellate District,
Division Five

PEOPLE v. VIGIL

Petition for review denied

Chin, J., was absent and did not participate.

S138941

A105394 First Appellate District,
Division Four

PEOPLE v. DAVIS

Petition for review denied

Chin, J., was absent and did not participate.

S139024

B172897 Second Appellate District,
Division Two

PEOPLE v. LOPEZ

Petitions for review denied

Petitions for review is denied without prejudice to any relief to which defendants might be entitled after this court decides *People v. Dominguez*, S130860.

Chin, J., was absent and did not participate.

S139048

B171490 Second Appellate District,
Division Five

PEOPLE v. BERRY

Petition for review denied

Chin, J., was absent and did not participate.

S139061

C045737 Third Appellate District

PEOPLE v. SINDORF

Petition for review denied

Chin, J., was absent and did not participate.

S139082

B177713 Second Appellate District,
Division Four

PEOPLE v. MENA

Petition for review denied

Kennard, J., was of the opinion the petition should be granted.

Chin, J., was absent and did not participate.

S139108

C044581 Third Appellate District

PEOPLE v. KEOKONGCHACK

Petition for review denied

Chin, J., was absent and did not participate.

S139120

B180647 Second Appellate District,
Division Three

PEOPLE v. OVERTON

Petition for review denied

Chin, J., was absent and did not participate.

S139146

F045958 Fifth Appellate District

PEOPLE v. FERNANDEZ

Petition for review denied

Chin, J., was absent and did not participate.

S139151

B176354 Second Appellate District,
Division Three

PEOPLE v. RODRIGUEZ

Petition for review denied

Chin, J., was absent and did not participate.

S139169

D044601 Fourth Appellate District,
Division One

PEOPLE v. MARQUIS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Hofsheier*, S124636.

Chin, J., was absent and did not participate.

S139190

D044426 Fourth Appellate District,
Division One

PEOPLE v. EVANS

Petition for review denied

Chin, J., was absent and did not participate.

S139228

E039216 Fourth Appellate District,
Division Two

RUNGE (CORY D.) ON H.C.

Petition for review denied

Chin, J., was absent and did not participate.

S139244

A106895 First Appellate District,
Division Four

PEOPLE v. DAVIAU

Petition for review denied

Chin, J., was absent and did not participate.

S139253

E036678 Fourth Appellate District,
Division Two

PEOPLE v. NOPPE

Petition for review denied

Chin, J., was absent and did not participate.

S139254

A109101 First Appellate District,
Division Five

COBB v. OCONNELL

Petition for review denied

Chin, J., was absent and did not participate.

S139256

C045289 Third Appellate District

PEOPLE v. JORDAN

Petition for review denied

Chin, J., was absent and did not participate.

S139344

G033899 Fourth Appellate District,
Division Three

PEOPLE v. NGUYEN

Petition for review denied

Chin, J., was recused and did not participate.

S139359

H027536 Sixth Appellate District

PEOPLE v. PONCE

Petition for review denied

Chin, J., was absent and did not participate.

S139364

B174088 Second Appellate District,
Division Four

MRAZ v. CATALINA CHANNEL EXPRESS

Petition for review denied

Chin, J., was absent and did not participate.

S139373

C045888 Third Appellate District

RICE v. COLDWELL BANKER

Petition for review & publication request denied

Chin, J., was absent and did not participate.

S139429

B178011 Second Appellate District,
Division One

PEOPLE v. MORAN

Petition for review denied

Chin, J., was absent and did not participate.

S139447
F044272 Fifth Appellate District

FELGER v. UREMOVIC
Petition for review denied

Chin, J., was absent and did not participate.

S139456
B180931 Second Appellate District,
Division Six

PEOPLE v. MARCHAND
Petition for review denied

Chin, J., was absent and did not participate.

S139599
F046113 Fifth Appellate District

PEOPLE v. SIMS
Petition for review denied

Baxter, J., was of the opinion the petition should
be granted.
Chin, J., was absent and did not participate.

S139610
B180464 Second Appellate District,
Division Six

PEOPLE v. GARCIA
Petition for review denied

Chin, J., was absent and did not participate.

S139705
B176971 Second Appellate District,
Division Six

PEOPLE v. ORTIZ
Petition for review denied

Chin, J., was absent and did not participate.

S139718
B176084 Second Appellate District,
Division Six

HENSLEY v. WEISZ
Petition for review denied

Chin, J., was absent and did not participate.

S139725
D046084 Fourth Appellate District,
Division One

NATIONAL STAFF NETWORK v. W.C.A.B.
(MANN-HARRISON)
Petition for review & publication request denied

Chin, J., was absent and did not participate.

S139740

B176576 Second Appellate District,
Division One

DINOS VICTORY ROAD HOUSE, INC. v. CITY OF
LOS ANGELES

Petition for review denied

Chin, J., was absent and did not participate.

S139749

A108963 First Appellate District,
Division Five

SCHOWALTER, ESTATE OF

Petition for review denied

Chin, J., was absent and did not participate.

S139867

B175880 Second Appellate District,
Division Four

PEOPLE v. JOHNSON

Petitions for review denied

Chin, J., was absent and did not participate.

S139869

B175971 Second Appellate District,
Division Eight

PEOPLE v. CATHY

Petition for review denied

Chin, J., was absent and did not participate.

S139870

B177777 Second Appellate District,
Division Two

PEOPLE v. RANDOLPH

Petition for review denied

Chin, J., was absent and did not participate.

S139871

B166427 Second Appellate District,
Division Four

PEOPLE v. MOORE

Petitions for review denied

Chin, J., was absent and did not participate.

S139872

D046481 Fourth Appellate District,
Division One

B. (TERRANCE), IN RE

Petition for review denied

Chin, J., was absent and did not participate.

S139873

F045994 Fifth Appellate District

PEOPLE v. EVANS

Petition for review denied

Baxter, J., was recused and did not participate.
Chin, J., was absent and did not participate.

S139878

D045689 Fourth Appellate District,
Division One

PEOPLE v. VERDIN

Petition for review denied

Chin, J., was absent and did not participate.

S139879

E039327 Fourth Appellate District,
Division Two

BURNS v. S.C. (PEOPLE)

Petition for review denied

Chin, J., was absent and did not participate.

S139881

G034146 Fourth Appellate District,
Division Three

PEOPLE v. GHANE

Petition for review denied

Chin, J., was absent and did not participate.

S139883

A111866 First Appellate District,
Division One

PRATTIPATI v. S.C. (ALTSHULER BERZON
NUSSBAUM RUBIN)

Petition for review denied

Chin, J., was absent and did not participate.

S139886

B181336 Second Appellate District,
Division Eight

B. (DERRICK), IN RE

Petition for review denied

Chin, J., was absent and did not participate.

S139889

G034666 Fourth Appellate District,
Division Three

PEOPLE v. VALENZUELA

Petition for review denied

Chin, J., was absent and did not participate.

S139891

H027687 Sixth Appellate District

PEOPLE v. JOHNSON

Petition for review denied

Chin, J., was absent and did not participate.

S139893

B179637 Second Appellate District,
Division Three

PEOPLE v. BRITSON

Petition for review denied

Chin, J., was absent and did not participate.

S139895

B175027 Second Appellate District,
Division Three

PEOPLE v. WANG

Petition for review denied

Chin, J., was absent and did not participate.

S139900

B179372 Second Appellate District,
Division Seven

PEOPLE v. CALVILLO

Petition for review denied

Chin, J., was absent and did not participate.

S139914

C047847 Third Appellate District

PEOPLE v. MARTINEZ

Petition for review denied

Chin, J., was absent and did not participate.

S139915

A110490 First Appellate District,
Division Three

PEOPLE v. CLAY

Petition for review denied

Chin, J., was absent and did not participate.
Corrigan, J., was recused and did not
participate.

S139920

A107111 First Appellate District,
Division Five

PEOPLE v. PERKINS

Petition for review denied

Chin, J., was absent and did not participate.

S139922

A107521 First Appellate District,
Division Three

PEOPLE v. STROW

Petition for review denied

Chin, J., was absent and did not participate.
Corrigan, J., was recused and did not
participate.

S139923

F045583 Fifth Appellate District

PEOPLE v. ALLEN

Petition for review denied

Chin, J., was absent and did not participate.

S139926
C051410 Third Appellate District

PRICE v. S.C. (PEOPLE)
Petition for review denied

Chin, J., was absent and did not participate.

S139931
B173711 Second Appellate District,
Division One

DARJEE v. LABORATORY CORPORATION
Petition for review & publication requests denied

Chin, J., was absent and did not participate.

S139938
A112350 First Appellate District,
Division Five

MOORE v. S.C. (PEOPLE)
Petition for review denied

Chin, J., was absent and did not participate.

S139942
C047539 Third Appellate District

PEOPLE v. PETERSON
Petition for review denied

Chin, J., was absent and did not participate.

S139944
B179633 Second Appellate District,
Division Four

PEOPLE v. ELAM
Petition for review denied

Chin, J., was absent and did not participate.

S139948
F048908 Fifth Appellate District

GALAVIZ v. S.C. (PEOPLE)
Petition for review denied

Chin, J., was absent and did not participate.

S139950
F046161 Fifth Appellate District

PEOPLE v. TORRES
Petition for review denied

Baxter, J., was recused and did not participate.
Chin, J., was absent and did not participate.

S139953
B180121 Second Appellate District,
Division Five

PEOPLE v. RATCLIFF
Petition for review denied

Chin, J., was absent and did not participate.

S139954
F047200 Fifth Appellate District

PEOPLE v. WIMBERLY
Petition for review denied

Chin, J., was absent and did not participate.

S139960
A107087 First Appellate District,
A108192 Division One

MIOTTEL v. BERLINER COHEN
Petition for review denied

Chin, J., was absent and did not participate.

S139962
E037312 Fourth Appellate District,
Division Two

FINK v. COUNTY OF RIVERSIDE
Petition for review denied

Chin, J., was absent and did not participate.

S139964
C048944 Third Appellate District

PEOPLE v. VARGAS
Petition for review denied

Chin, J., was absent and did not participate.

S139965
C048377 Third Appellate District

PEOPLE v. POTTS
Petition for review denied

Chin, J., was absent and did not participate.

S139967
B173631 Second Appellate District,
Division Six

PEOPLE v. FETISSOVA
Petition for review denied

Chin, J., was absent and did not participate.

S139971
C047787 Third Appellate District

M. (Y), IN RE
Petition for review denied

Chin, J., was absent and did not participate.

S139972
C047569 Third Appellate District

PEOPLE v. MAXWELL
Petition for review denied

Chin, J., was absent and did not participate.

S139976

B179354 Second Appellate District,
Division Six

AUGUST CONSTRUCTION v. MADONNA
Petition for review denied

Chin, J., was absent and did not participate.

S139979

E036967 Fourth Appellate District,
Division Two

PEOPLE v. SHEPPARD
Petition for review denied

Chin, J., was absent and did not participate.

S139980

C046955 Third Appellate District

OLSEN v. HARBISON III
Petition for review denied

Chin, J., was absent and did not participate.

S139985

B177003 Second Appellate District,
Division Five

BARR v. LAKATOS
Petition for review denied

Chin, J., was absent and did not participate.

S139986

E038977 Fourth Appellate District,
Division Two

MCRAE v. S.C. (DESERT SANDS SCHOOL
DISTRICT)
Petition for review denied

Chin, J., was absent and did not participate.

S139989

C048750 Third Appellate District

OLSEN v. HARBISON III
Petition for review denied

Werdegarr, J., was of the opinion the petition
should be granted.

Chin, J., was absent and did not participate.

S139990

B187486 Second Appellate District,
Division Two

DIAMOND v. APPELLATE DIVISION (PEOPLE)
Petition for review denied

Chin, J., was absent and did not participate.

S139991

B187526 Second Appellate District,
Division One

HENDERSON v. S.C. (PEOPLE)

Petition for review denied

Chin, J., was absent and did not participate.

S139993

B180682 Second Appellate District,
Division Five

WINSHIP v. GERBER

Petition for review denied

Chin, J., was absent and did not participate.

S140000

D045645 Fourth Appellate District,
Division One

DARULIS v. DEPARTMENT OF MOTOR
VEHICLES

Petition for review denied

Chin, J., was absent and did not participate.

S140006

B180509 Second Appellate District,
Division Three

PEOPLE v. SLATER

Petition for review denied

Chin, J., was absent and did not participate.

S140009

B180146 Second Appellate District,
Division One

T. (NADANIEL), IN RE

Petition for review denied

Chin, J., was absent and did not participate.

S140012

B178167 Second Appellate District,
Division One

PEOPLE v. CUNNINGHAM

Petition for review denied

Chin, J., was absent and did not participate.

S140013

G035390 Fourth Appellate District,
Division Three

POTTS (DAVID ALAN) ON H.C.

Petition for review denied

Chin, J., was absent and did not participate.

S140016

C047259 Third Appellate District

PEOPLE v. MORRIS

Petition for review denied

Chin, J., was absent and did not participate.

S140017
B167866 Second Appellate District,
Division Two

PEOPLE v. LAGRASSA
Petition for review denied

Chin, J., was absent and did not participate.

S140018
D044493 Fourth Appellate District,
Division One

PEOPLE v. MARKS
Petition for review denied

Chin, J., was absent and did not participate.

S140019
G034547 Fourth Appellate District,
Division Three

PEOPLE v. POTTS
Petition for review denied

Chin, J., was absent and did not participate.

S140078
H027411 Sixth Appellate District
H028005

VALENTA v. FOSTER
Petition for review denied

Chin, J., was absent and did not participate.

S140081
B177404 Second Appellate District,
Division Seven

FAIR v. WILLIAMS
Petition for review denied

Chin, J., was absent and did not participate.

S140086
B178317 Second Appellate District,
Division One

TSANG v. UNEMPLOYMENT INSURANCE
Petition for review denied

Chin, J., was absent and did not participate.

S140111
C046571 Third Appellate District

PEOPLE v. ACOSTA
Petition for review denied

Chin, J., was absent and did not participate.

S140232
G034987 Fourth Appellate District,
Division Three

NAVARRO v. IHOP PROPERTIES, INC.
Petition for review denied

Chin, J., was absent and did not participate.

S140317

A112538 First Appellate District,
Division Five

MOORE v. S.C. (PEOPLE)
Petition for review denied

Chin, J., was absent and did not participate.

S140425

A112448 First Appellate District,
Division Three

POTTS v. S.C. (PEOPLE)
Petition for review and application for stay denied

Chin, J., was absent and did not participate.

S140490

A112400 First Appellate District,
Division Five

MOORE v. S.C. (PEOPLE)
Petition for review denied

Chin, J., was absent and did not participate.

S140640

A112637 First Appellate District,
Division Five

MOORE v. S.C. (PEOPLE)
Petition for review and application for stay denied

Chin, J., was absent and did not participate.

S130700

R. (OSCAR) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131066

JENKINS (JAMES) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131264

JACKSON (KANZA) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Chin, J., was absent and did not participate.

S131359

TREJO (BENITO) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131362

BURNS (MONROE) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131406

HERNANDEZ (PATRICK) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131472

ESPEJO (OSWALDO) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131538

ALVARADO (RAY RAUL) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131574

PAYNE (DEVEIN JEWEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Chin, J., was absent and did not participate.

S131593

QUEZADA (ALVARO) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131611

COTTON (MICHAEL E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

Chin, J., was absent and did not participate.

S131614

JOHNSON (TARELL) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131715

HUERTA (MARK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

Chin, J., was absent and did not participate.

S131743

NICHOLS (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dannenberg* (2005) 34 Cal.4th 1061.)

Chin, J., was absent and did not participate.

S131774

PALACIO (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131790

GOMEZ (JUAN CARLOS GIL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Chin, J., was absent and did not participate.

S131830

GREENLEE (CHRISTOPHER R.) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131839

MORITZ (TED) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S131923

VALDEZ (DANIEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Chin, J., was absent and did not participate.

S132043

STEPHENSON (SCOTT) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S132177

WALKER (CALVIN D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Chin, J., was absent and did not participate.

S132179

GEORGE (HOLLISTER) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S132189

SPENCE (GERALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

Chin, J., was absent and did not participate.

S132248

HAYDEN (RONALD) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Dixon (1953) 41 Cal.2d 756; *In re Lindley*
(1947) 29 Cal.2d 709.)

Chin, J., was absent and did not participate.

S132250

POUNCIL (MADERO L.) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Lindley (1947) 29 Cal.2d 709; *In re Dixon*
(1953) 41 Cal.2d 756.)

Chin, J., was absent and did not participate.

S132254

ROSE (MICHAEL JOHN) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

Chin, J., was absent and did not participate.

S132259

ALVAREZ (DOLORES) ON H.C.

Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S132305

WACHNIUK (CHRISTOPHER) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Robbins (1998) 18 Cal.4th 770, 780; *In re*
Dixon (1953) 41 Cal.2d 756.)

Chin, J., was absent and did not participate.

S132308

WACHNIUK (CHRISTOPHER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Monigold* (1988) 205 Cal.App.3d 1224.)

Chin, J., was absent and did not participate.

S132329

COLBERT (DALE EDWARD) ON H.C.
Petition for writ of habeas corpus denied

without prejudice to the filing of an original petition in the trial court. (See *In re Reeves* (2005) 35 Cal.4th 765.)

Chin, J., was absent and did not participate.

S132352

CANO (JOSEPH ALFRED) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

Chin, J., was absent and did not participate.

S132353

SANCHEZ (AURELIO F.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

Chin, J., was absent and did not participate.

S132364

MALDONADO (EDGAR A.) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S132369

LEIVAS (JOSEPH R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Chin, J., was absent and did not participate.

S132848

WORLINE (CHRISTOPHER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616;
In re Dannenberg (2005) 34 Cal.4th 1061; *In re Miller* (1941) 17 Cal.2d 734.)

Chin, J., was absent and did not participate.

S133160

FRAZIER (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S133164

BRANNUM (DEE ALLEN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S133175

EVANS (JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S133187

WRIGHT (LEE B.) ON H.C.

Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616; *In re Duarte* (1983) 143 Cal.App.3d 943; *In re Seabock* (1983) 140 Cal.App.3d.29.)

Chin, J., was absent and did not participate.

S133196

HARRIS (VINCENT) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S133223

CLAIRBORNE (KEVIN) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616; *In re Dannenberg* (2005) 34 Cal.4th 1061.)

Chin, J., was absent and did not participate.

S133260

JOHNSON (THEODORE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616; *In re Dannenberg* (2005) 34 Cal.4th 1061.)

Chin, J., was absent and did not participate.

S133871

HILL (EUGENE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S133898

BRODERICK (WILLIAM) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S133907

MOPPINS (FRANK I.) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464,
474; *In re Dannenberg* (2005) 34 Cal.4th 1061.)

Chin, J., was absent and did not participate.

S133973

WAULS (SAMUEL LEE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S133976

WILSON (KEVIN JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In*
re Duarte (1983) 143 Cal.App.3d 943; *In re*
Seabock (1983) 140 Cal.App.3d 29.)

Corrigan, J., was recused and did not
participate.

Chin, J., was absent and did not participate.

S134089

PACE (WILLIAM) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S134131

DEAN (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S134169

BINGLE (MARLIN) ON H.C.
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S134202

TRUJILLO-GARCIA (EDWARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

Corrigan, J., was recused and did not
participate.

Chin, J., was absent and did not participate.

S134215

WRAY (DOUGLAS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S134241

LEWIS (RICHARD JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S134323

HOUSTON (EDWARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Duarte* (1983) 143 Cal.App.3d 943; *In re Seabock* (1983) 140 Cal.App3d 29.)

Corrigan, J., was recused and did not participate.

Chin, J., was absent and did not participate.

S134355

KNIGHT (KENNETH K.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

Chin, J., was absent and did not participate.

S134528

BORG (ANGEL) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

Chin, J., was absent and did not participate.

S134843

NICHOLS (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

Chin, J., was absent and did not participate.

S137567

HOUSTON (EDWARD) ON H.C.

Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

Corrigan, J., was recused and did not participate.

Chin, J., was absent and did not participate.

S137822

HOUSTON (EDWARD) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

Corrigan, J., was recused and did not participate.

Chin, J., was absent and did not participate.

S138016

PLASENCIA (PHILLIP) ON H.C.

Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

S138838

DE GABARRETTE (CARLOS) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

Chin, J., was absent and did not participate.

S140103

BEAL (ROBERT) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Chin, J., was absent and did not participate.

S140250

HADLEY (LEONARD E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

Chin, J., was absent and did not participate.

S140587

TOWNSEND (JONATHAN E.) ON H.C.
Petition for writ of habeas corpus & stay denied

without prejudice to petitioner moving for bail
or release on his own recognizance in superior
court.

Chin, J., was absent and did not participate.

S139661

F046011 Fifth Appellate District

WILLIAMS v. MERRIHEW
Publication request denied (case closed)

Chin, J., was absent and did not participate.

S139859

G034479 Fourth Appellate District,
Division Three

LIFE CARE CENTERS OF AMERICA v.
CALOPTIMA
Depublication request denied

Chin, J., was absent and did not participate.

S140002

B184017 Second Appellate District,
B184018 Division Six

KOVEN (DEBRA L.), IN RE ON CONTEMPT
Depublication request denied

Chin, J., was absent and did not participate.

S139695

F048836 Fifth Appellate District

CLAIBORNE (DENNIS) ON H.C.
Time extended to grant or deny review

to March 17, 2006.

S015384

PEOPLE v. LETNER & TOBIN

Extension of time granted

Appellant's application for relief from default for failure to file appellant Richard Lacy Letner's reply brief or a timely motion for extension of time is granted.

Good cause appearing, and based upon counsel R. Clayton Seaman, Jr.'s representation that he anticipates filing appellant Richard Lacy Letner's reply brief by May 26, 2006, counsel's request for an extension of time in which to file that brief is granted to March 27, 2006. After that date, only one further extension totaling about 60 additional days is contemplated.

S041008

PEOPLE v. HOYOS (JAIME A.)

Extension of time granted

to March 1, 2006, to file appellant's reply brief. Extension is granted based upon counsel Lisa R. Short's representation that she anticipates filing that brief by March 1, 2006. After that date, no further extension will be granted.

S047868

PEOPLE v. GEORGE (JOHNATON S.)

Extension of time granted

to February 21, 2006, to file appellant's opening brief. Extension is granted based upon counsel Bruce Eric Cohen's representation that he anticipates filing that brief by February 21, 2006. After that date, no further extension will be granted.

S055856

PEOPLE v. ROMERO & SELF

Extension of time granted

to April 7, 2006, to file appellant Romero's opening brief. After that date, only one further extension totaling about 35 additional days will be granted. Extension is granted based upon counsel Michael P. Goldstein's representation that he anticipates filing that brief by May 12, 2006.

S073205

PEOPLE v. WILLIAMS (JACK)
Extension of time granted

to April 13, 2006, to file appellant's opening brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon counsel R. Clayton Seaman, Jr.'s representation that he anticipates filing that brief by June 10, 2006.

S076169

PEOPLE v. PARKER (GERALD)
Extension of time granted

to April 4, 2006, to file appellant's opening brief.

S077033

PEOPLE v. DUENAS (ENRIQUE P.)
Extension of time granted

to April 7, 2006, to file appellant's opening brief.

S122414

FARNAM (JACK) ON H.C.
Extension of time granted

to April 3, 2006, to file the reply to supplement to informal response to the petition for writ of habeas. After that date, no further extension will be granted. Extension is granted upon counsel Samuel D. McVey's representation that he anticipates filing that document by April 1, 2006.

S072946

PEOPLE v. GONZALEZ (JOSE)
Order appointing Habeas Corpus Resource Center filed

Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Jose Gonzalez for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

S086578

PEOPLE v. LOOT & MILLSAP
Order appointing State Public Defender filed

Upon request of appellant for appointment of counsel, the State Public Defender is hereby appointed to represent appellant Kendrick Loot for the direct appeal in the above automatic appeal now pending in this court.

S015384

PEOPLE v. LETNER & TOBIN
Request for judicial notice denied

Respondent's request for judicial notice, filed on May 4, 2005, is denied without prejudice to the filing of a supplemental respondent's brief raising the arguments presented in the respondent's brief in *People v. Brendlin*, S0123123. Appellant Tobin's motion to deny respondent's request for judicial notice, filed on August 15, 2005, is denied as moot.

Chin, J., was absent and did not participate.

S026223

PEOPLE v. SMITH (GREGORY SCOTT)
Order filed

Upon request of condemned prisoner Gregory Scott Smith for appointment of counsel, Chuck Nacsin is hereby appointed to represent Gregory Scott Smith for habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court. Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed. . .within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court's"

delay in appointing habeas corpus/executive clemency counsel on behalf of condemned prisoner Gregory Scott Smith.

Chin, J., was absent and did not participate.

S121009

B160571 Second Appellate District,
Division Two

PEOPLE v. R. J. REYNOLDS TOBACCO
Order filed

Appellant's motion to stay issuance of remittitur is granted. Issuance of the remittitur in the above-entitled cause is stayed to permit appellant to file a petition for writ of certiorari with the Supreme Court of the United States. Upon the filing of that petition, the issuance of the remittitur is further stayed until final determination of the certiorari proceeding. If a petition for writ of certiorari is not submitted within the time prescribed, this stay will terminate when the time for submitting the petition has expired.

Chin, J., was absent and did not participate.

S139931

B173711 Second Appellate District,
Division One

DARJEE v. LABORATORY CORPORATION
Order filed

The order filed on February 1, 2006, denying the petition for review and publication request is hereby vacated.

S139683

ROGERS, ACCUSATION OF
Petition denied

Chin, J., was absent and did not participate.

S139706

DUPONT, ACCUSATION OF
Petition denied

Chin, J., was absent and did not participate.

S139756NETTLESBEY, ACCUSATION OF
Petition denied

Chin, J., was absent and did not participate.

S139787MARRERO, ACCUSATION OF
Petition denied

Chin, J., was absent and did not participate.

S139865WELLS, ACCUSATION OF
Petition denied

Chin, J., was absent and did not participate.

S139880MOJICA, ACCUSATION OF
Petition denied

Chin, J., was absent and did not participate.

S139132JARBLUM ON DISCIPLINE
Recommended discipline imposed

It is ordered that **WILLIAM JARBLUM, State Bar No. 190424**, be suspended from the practice of law for three years and until he makes restitution to Pulse-LINK, Inc., (or the Client Security Fund, if appropriate) in the amount of \$100,000 plus 10 percent interest per annum from May 27, 2004, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving

stipulation filed on October 26, 2005. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2007 and 2008. (Business and Professions Code, § 6086.10.)

* (See Bus. & Prof. Code, § 6126, subd. (c).)